ORDINANCE NO. 18741

AN ORDINANCE introduced by Councilmember’s Brett Blackburn and Lana Kennedy relating to temporary signs amending Topeka City Code §§ 48-31.01., 118-276, 118-277, and specifically repealing said original sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 48-31.01., District regulations, is hereby amended to read as follows:

District regulations.

All signs listed hereafter are regarded as accessory structures as distinguished from off-premises billboard or poster panel signs which are regarded as a principal use in the districts in which allowed. All signs shall be located upon a lot, parcel or tract of land so as not to encroach upon a recorded easement or public dedicated right-of-way, except as may be provided by Chapter 118 of the Code of the City of Topeka.

(a) Agricultural and residential districts: The following types of signs are permitted in the "RA," "RR," "R" and "M" districts:

(1) Church or public building identification sign, not exceeding twenty-five (25) square feet per sign face. Such sign may be lighted only if indirect lighting or shaded lighting is used.

(2) Temporary signs not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.
(32) Monument signs limited to the identification of a multifamily building or complex, or residential subdivision. Such sign shall be limited to a maximum sign area of forty (40) square feet and not more than five (5) feet in height. Monument signs shall be limited to two (2) per public street, or designated private drive, entrance into the subject development.

(43) Nameplate or flat wall signs (in the "M-2" district) nonilluminated on the face of the building which contain the name of the building only. Only one (1) such sign shall be permitted on one (1) building except where the building fronts two (2) principal streets, one (1) such sign may be permitted on each front face of the building.

(54) Nameplate or flat wall sign (in the "M-3" and "M-4" districts) may be permitted where mounted on the face of the building and containing the name of the building only. Such sign may be interior illuminated, limited to a maximum sign area of forty (40) square feet.

(b) Office and commercial districts: The following types of signs are permitted in the "O&l" and "C" districts:

(1) Church or public building identification sign (in the "O&l-1," "O&l-2," "O&l-3," and "C-1" districts) shall be permitted not to exceed twenty-five (25) square feet per sign face. Such sign may be lighted only if indirect lighting or shaded lighting is used.
(2) Temporary signs not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.

(3) Monument signs (in the "O&I-1," "O&I-2," "O&I-3" and "C-1" districts) limited to a maximum sign area of two (2) square feet per foot on lot frontage, not to exceed a total of one hundred (100) square feet or fifty (50) square feet per sign face, and limited to a maximum height of five (5) feet.

(4) Nameplate or flat wall sign where mounted on the face of the building and containing the name of the building only. Such sign may be interior illuminated, limited to a maximum sign area of forty (40) square feet.

(5) Advertising signs (in the "C-2" district) relating to either the name of the business or products sold therein. Such signs shall not contain more than two hundred (200) square feet per single sign face, and shall not exceed a height of thirty-five (35) feet; provided, however, that where such signs are within a seven hundred (700) foot radius of the intersection of the centerline of an interstate highway with any major street or thoroughfare, as designated on the current adopted transportation plan, such signs shall not exceed a height of fifty-five (55) feet.
Advertising signs (in the "C-3," "C-4" and "C-5" districts) shall not contain more than three hundred (300) square feet per single sign face and shall not exceed a height of fifty-five (55) feet.

(c) Industrial districts: The following types of signs are permitted in the "I" districts:

(1) Nameplate or flat wall sign where mounted on the face of the building and containing the name of the building only. Such signs may be interior illuminated, limited to a maximum sign area of forty (40) square feet.

(2) Temporary sign not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.

(3) Monument signs limited to a maximum sign area of two (2) square feet per foot of lot frontage, not to exceed a total of one hundred (100) square feet or fifty (50) square feet per sign face, and limited to a maximum height of five (5) feet.

(4) Advertising sign relating to either the name of the business or products sold therein. Such sign shall not contain more than three hundred (300) square feet per single sign face, and shall not exceed a height of fifty-five (55) feet.
(d) University and medical service districts: The following types of signs are permitted in the "U-1" and "M-S" districts:

(1) Nameplate or flat wall signs, nonilluminated on the face of the building which contain the name of the building only.

(2) Monument signs limited to a maximum sign area of forty (40) square feet or twenty (20) square feet per sign face, and limited to a height of five (5) feet.

(e) Mixed use districts: The following types of signs are permitted in the X Districts:

(1) Permanent Signs

(A) A non-residential property is permitted any combination of wall sign and/or projecting sign totaling one hundred (100) square feet per building face except in no case shall any individual wall sign exceed seventy (70) square feet, nor projecting sign exceed fifteen (15) square feet in size. An exception to these size limitations may be made by the Planning Director in cases where it can be demonstrated that any proposed wall or projecting sign supports or restores the historical significance of a building.

Wall signs shall not cover or obstruct any architectural features deemed integral to the historic appearance or character of the building. Such features shall include, but are
not limited to, transom windows, detailed brick, tile, or shingles.

(B) Properties are permitted one (1) double-faced ground sign, which shall include portable signs, not to exceed forty (40) square feet per sign face, nor seven (7) feet in height above grade.

(2) Temporary signs not exceeding six square feet per sign face, appertaining to the lease, hire or sale of a building or premises and providing that said temporary signs shall not be erected closer to the street than the building setback line of vacant lots and on improved lots as close as practicable to the building.

(f) Conditional use permits: Uses permitted by conditional use permit shall be subject to the sign regulations of the district where permitted, or specifically reviewed and considered as part of the conditional use permit.

Section 2. That City of Topeka Code § 118-276, Defined, is hereby amended to read as follows:

Defined.

(a) The term “temporary free-standing sign,” for the purposes of this division, shall mean any sign, sign device, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or other material, with or without a frames, intended to be displayed for a short period of time. A temporary sign includes cold air or helium filled balloons which are tethered to a structure or the ground and which are
used for business advertisement, personal or corporate gain or publicity.

The advertisement contained on a temporary free-standing sign shall be limited to only the business, activity, industry or other pursuit conducted on or in the premises on which such sign is erected or maintained.

(b) The term “temporary non free-standing sign,” for the purposes of this Division, shall mean any sign, sign device, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or other material, without a frame, intended to be displayed for a short period of time. The advertisement contained on a temporary non free-standing sign shall be limited to only the business, activity, industry or other pursuit conducted on or in the premises on which such sign is erected or maintained.

(c) The term “temporary balloon sign,” for the purposes of this Division, shall mean an air or gas filled balloon or other inflated device designed to emulate or advertise a product or call attention to a specific product, service, business or event. Such device may be inflated with gas or carbon dioxide or hot air and may be anchored to the ground or air born and tethered to the ground, and is intended to be displayed for a short period of time. The advertisement contained on a temporary balloon sign shall be limited to only the business, activity, industry or other pursuit conducted on or in the premises on which such sign is anchored to the ground or air born and tethered to the ground, or maintained.
(d) The term “limited duration, temporary, free-standing sign,” for the purposes of this Division, shall mean any sign, sign device or advertising display constructed of fabric, cardboard, plaster or other material with a self-supportive frame intended to be displayed for a short period of time. Said signs may advertise a business, activity, or other pursuit not conducted on or in the premises on which the sign is erected or maintained.

Section 3. That City of Topeka Code § 118-277, Placing and time limitation, is hereby amended to read as follows:

**Placing and time limitation.**

(a) Temporary free-standing signs. One (1) temporary free-standing sign, not exceeding six (6) square feet per sign face and forty-eight inches (48") in height may be placed or displayed at any given time on private property in any “R” or “M” dwelling district, provided however, a sign not exceeding thirty-two (32) square feet and seventy-two inches (72") in height per sign face shall be permitted on parcels exceeding one (1) acre in size. One (1) temporary free-standing sign not exceeding thirty-two (32) square feet per sign face and seventy-two inches (72") in height may be placed or displayed at any given time on private property in any district other than the “R” or “M” districts. The temporary free-standing sign shall only be displayed during that time period the event, activity or pursuit occurs on the premises. Further, the temporary free-standing sign shall be erected only upon the day the event, activity or pursuit commences and
shall be removed immediately after the event, activity or pursuit concludes. The display of a temporary free-standing sign shall be limited to two (2) separate occasions during any calendar year. No permit is required for the display of a temporary free-standing sign.

(a) Temporary non free-standing signs may be placed flat upon the front face of a building and kept in place for a period of not to exceed thirty (30) days upon securing a permit as required by § 118-56. All such signs shall not extend above or beyond the wall face of a building on which they are placed or extend more than twelve (12) inches from the face of the wall building, and shall not exceed twenty-five percent (25%) of the surface of the face of the building upon which they are displayed.

(b) Temporary cold air or helium filled balloons signs are subject to the following:

(1) Temporary cold air or helium filled balloon signs (balloon) which exceed two (2) cubic feet may not be placed on a property unless a permit is first obtained, as provided by sections 118-56 and this section.

(2) A temporary balloon sign may be placed on the properties specified in the permit four (4) times a calendar year for one (1) week at a time. The maximum altitude at the top of the temporary balloon sign shall not exceed fifty-five (55) feet including the length of the tether or height of structure to which the temporary balloon sign is attached. No temporary balloon sign may
be placed on properties unless the owner has provided notice to all agencies requiring notification at least one (1) week ahead of erection of the temporary balloon sign. Said notice shall be given by certified mail at the expense of the person for whom the temporary balloon sign will be erected. Agencies who desire notification of temporary balloon sign erection shall contact the development coordination office of the city who will Development Services Division which shall maintain a list of such agencies.

(3) As a condition for the issuance of a permit, the owner and/or user of the temporary balloon sign must agree to hold the city harmless from all claims resulting from the placement of the temporary balloon sign.

(4) The permit fee for a temporary balloon sign shall be Twenty-Five Dollars ($25.00) per placement on a property. The permit shall expire one (1) week from its effective date.

(5) Temporary balloons signs are only allowed in C-4, C-5, I-1 and I-2 zoning districts.

(6) The temporary balloons signs must meet all applicable FAA regulations.

(7) The gas used in the any temporary balloons signs must be noncombustible and the balloon may not be internally illuminated.
(8) No permit shall be issued for placement of a temporary balloon sign on property within five hundred (500) feet from the property line of a hospital with a helicopter landing pad.

(9) No temporary balloon sign shall be tethered within fifty-five (55) feet of an overhead power line or property line.

(d) Limited duration, free-standing signs. Not more than two (2) limited duration, free-standing signs, not exceeding six (6) square feet per sign face and forty-eight inches (48") in height may be placed or displayed on private property with the consent of the property owner. Limited duration, free-standing signs may be displayed and may remain in place only from 5:00 P.M. Thursday until 5:00 P.M. Sunday. Not more than two (2) limited duration, free-standing signs may be displayed on any property at any given time. No permit is required for the display of a limited duration, free-standing sign.

Section 4. That City of Topeka Code §§ 48-31.01., 118-276 and 118-277 are hereby specifically repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council October 24, 2006.

CITY OF TOPEKA, KANSAS

ATTEST: William W. Bunten, Mayor

____________________________ Iris E. Walker, City Clerk